

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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STEWART HANDTE,

Plaintiff,

v.

JAMES G. MILLER, an individual; STOREY  
COUNTY, a political subdivision of the State  
of Nevada; GERALD ANTINORO, an  
individual,

Defendants.

3:10-CV-00111-LRH-RAM

ORDER

Before the court is Defendants James G. Miller, Storey County and Gerald Antinoro's (collectively "Defendants") Motion to Dismiss (#9). Plaintiff Stewart Handte has filed an opposition (#10), and Defendants have filed a reply (#13).

In their reply, Defendants assert for the first time that Plaintiff's third claim for relief under the Family and Medical Leave Act of 1993, and Plaintiff's fourth claim for relief for defamation under Nevada law, should be dismissed for failure to state a claim upon which relief may be granted. *See* Docket #13, pp. 12-13, 16-17.

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1 To afford Plaintiff the opportunity to be heard on these issues, Plaintiff is directed to file  
2 within ten (10) days a sur-reply addressing why the third and fourth claims for relief should not be  
3 dismissed.

4 IT IS SO ORDERED.

5 DATED this 21st day of September, 2010.

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LARRY R. HICKS  
UNITED STATES DISTRICT JUDGE